

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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STEVEN GOLDRICH,

Plaintiff,

-against-

22 **CIVIL** 3769 (KMK)

JUDGMENT

WATKINS WELLNESS and WELLNESS
MARKETING CORPORATION, d/b/a ENDLESS
POOLS,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion & Order dated March 20, 2024, Defendants' Motion to Dismiss is granted. Plaintiff has already amended his Complaint twice, once after being put on notice of its deficiencies. See Goldrich, 2023 WL 2649049, at *10 (rendering "the first adjudication of Plaintiff's claims on the merits"). "To grant Plaintiff[] leave to amend would be allowing [him] a 'third bite at the apple,' which courts in this district routinely deny." Binn v. Bernstein, No. 19-CV-6122, 2020 WL 4550312, at *34 (S.D.N.Y. July 13, 2020) (collecting cases), report and recommendation adopted, 2020 WL 4547167 (S.D.N.Y. Aug. 6, 2020); see also Kamdem-Ouaffo v. Pepsico, Inc., 160 F. Supp. 3d 553, 574 n.28 (S.D.N.Y. 2016) ("[T]he [c]ourt has given [p]laintiff two bites at the apple, and there is no need for a third bite."); cf. Nat'l Credit Union Admin. Bd. v. U.S. Bank Nat'l Ass'n, 898 F.3d 243, 257-58 (2d Cir. 2018) ("When a plaintiff was aware of the deficiencies in his complaint when he first amended, he clearly has no right to a second amendment even if the proposed second amended complaint in fact cures the defects of the first. Simply put, a busy district court need not allow itself to be imposed upon by the

presentation of theories seriatim." (alteration adopted) (footnote and quotation marks omitted)).

Plaintiff's claims are therefore dismissed with prejudice; accordingly, the case is closed.

Dated: New York, New York

March 20, 2024

RUBY J. KRAJICK

BY:

Clerk of Court

K. mango

Deputy Clerk